APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,351	08/23/2001	Eric Schneider		8392

24226   7590   07/07/2004

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EXAMINER
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ART UNIT	PAPER NUMBER
2154	8

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/682,351	SCHNEIDER, ERIC
	Examiner	Art Unit
	Ashok B. Patel	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _1_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _110-129_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _110-129_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Application Number 09/682, 351 was filed on 08/23/2001 with priority date of

03/22/1999. Claims 110- 129 are subject to examination.

2.   An examination of this application reveals that applicant is unfamiliar with patent

prosecution procedure. While an inventor may prosecute the application, lack of skill in

this field usually acts as a liability in affording the maximum protection for the invention

disclosed. Applicant is advised to secure the services of a registered patent attorney or

agent to prosecute the application, since the value of a patent is largely dependent upon

skilled preparation and prosecution. The Office cannot aid in selecting an attorney or

agent.

Applicant is advised of the availability of the publication "Attorneys and Agents

Registered to Practice Before the U.S. Patent and Trademark Office." This publication

is for sale by the Superintendent of Documents, U.S. Government Printing Office,

Washington, D.C. 20402.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

4.   Claims 110-114 and 120-124 are rejected under 35 U.S.C. 102(e) as being

anticipated by Tan et al. (hereinafter Tan)(US 6, 314, 469).

Referring to claim 110,

The reference teaches

A Domain Name System (DNS) (Fig.1) comprising:

at least one DNS server; a resolver in operative communication with said at least

one DNS server; and, (Fig.1, elements 16 and 18)

a root zone file including at least one resource record, said root zone file accessible by

at least one of a resolver and DNS server (iDNS server of Fig.1, element 16), said at

least one resource record adapted to resolve a DNS query including a domain name

having a highest level domain (HLD) wherein said domain name can be processed by

the DNS but can not be registered as part of the DNS (col.2, lines 62-67 and col.3, lines

3-9, col.3, lines 61-67 and col.4, lines 1-11, The reference teaches that the iDNS server

recognizes that the domain name is not in a format that can be handled by a

conventional DNS server (col. 9. lines 55-57), which makes the domain name that can

be processed but can not be registered.)

Referring to claim 111,

The reference teaches the DNS, as set forth in claim 110, wherein the DNS server is

one of a single authoritative root server, alternative root server, and virtual inclusive root

server. (col.3, lines 61-67).

Referring to claim 112,

The reference teaches the DNS, as set forth in claim 110, wherein said resource record

is a wildcard resource record. (col.3, lines 67 thru col.4, lines 1-26)

Referring to claim 113,

The reference teaches the DNS, as set forth in claim 110, wherein said resource record

includes an Internet Protocol (IP) address. (col.9, lines 49-51).

Referring to claim 114,

The reference teaches the DNS, as set forth in claim 113, wherein said HLD of said

domain name is a top level domain alias (TLDA) and said IP address corresponds to a

network resource adapted to determine which namespace provider of a plurality of

namespace providers can process said domain name having said TLDA. (The reference

teaches that "it may be convenient to have different root name servers handle different

linguistic domains. For example, the Chinese government may maintain a root name

server for Chinese language domain names, the Japanese government or a Japanese

corporation may maintain a root name server for Japanese language domain names,

the Indian government may maintain a root name server for Hindi language domain

names, etc. In any event, the system must identify the appropriate name server at 311

as indicated in FIG. 3A." (col. 11, lines 50-60) and the reference teaches that "In

alternative embodiments, the functions performed by the proxy iDNS server are

implemented in whole (or in part) on the client and/or on the DNS server. In one

embodiment, operations including detecting an encoding type, translating a non-DNS

encoded domain to a DNS encoded domain name and identifying a default name server

(operations 305-311 of the FIG. 3A flow chart discussed below) are implemented on an

Internet application (e.g., a multilingual-enabled Web browser)."(col. 10, lines 54-62).

Thus, the reference clearly teaches that the implementation of different root name

servers handling different linguistic domains can be determined wherein the HLD is a

TLDA.)

Referring to claims 120, 121, and 122,

The reference teaches a method for querying a Domain Name System (DNS) from a

first domain name comprising: generating a DNS query that can be processed by the

DNS, said DNS query including the first domain name; determining from said DNS

query whether the first domain name is registered as part of the DNS; determining

whether the domain name is capable of being registered as part of the DNS when it is

determined that the first domain name is not registered as part of the DNS; (col.9, lines

49-57, "provides translation of the Chinese domain name to conventional DNS server.").

The reference teaches the processing of first domain name. (conventional domain

name). (col. 9, lines 49-51). Thus, the reference teaches that DNS system is providing

an ability to process a domain name registration request corresponding to at least a

portion of the first domain name when it is determined that the first domain name is

capable of being registered as part of the DNS. The reference teaches that client 12 is

is outfitted with a keyboard that can type Chinese language characters and is

configured with software that can recognize encoded Chinese characters and

accurately display them on a computer screen. (col.9, lines 45-48). The reference

teaches that the request is made in Chinese language (second domain name)(FDN

having TLDA) and the network resource corresponding to the second domain name is

generated when the second domain name contains the portion of the first domain name

which is not capable of being registered as part of DNS since the first domain name is

simply a closely matched translation of the second domain name. (col. 12, lines 34-67

and col. 13, lines 1-3)

Referring to claim 123,

The reference teaches the method, as set forth in claim 122, further including

determining that the network resource can not be accessed in response to requesting

the network resource from said second domain name and providing an ability to process

a fictitious domain name registration request corresponding to at least a portion of at

least one of a first domain name and second domain name. (col. 9, lines 39-67 and col.

10, lines 1-7, col. 12, lines 34-67 and col. 13, lines 1-3).

Referring to claim 124,

Claim 124 (new): The method, as set forth in claim 122, wherein said second domain

name is a fictitious domain name (FDN) having a. top level domain alias (TLDA) and

said network resource is adapted to determine which namespace provider of a plurality

of namespace providers can process said FDN having said TLDA. ((The reference

teaches that "it may be convenient to have different root name servers handle different

linguistic domains. For example, the Chinese government may maintain a root name

server for Chinese language domain names, the Japanese government or a Japanese

corporation may maintain a root name server for Japanese language domain names,

the Indian government may maintain a root name server for Hindi language domain

names, etc. In any event, the system must identify the appropriate name server at 311

as indicated in FIG. 3A." (col. 11, lines 50-60) and the reference teaches that "In

alternative embodiments, the functions performed by the proxy iDNS server are

implemented in whole (or in part) on the client and/or on the DNS server. In one

embodiment, operations including detecting an encoding type, translating a non-DNS

encoded domain to a DNS encoded domain name and identifying a default name server

(operations 305-311 of the FIG. 3A flow chart discussed below) are implemented on an

Internet application (e.g., a multilingual-enabled Web browser)."(col. 10, lines 54-62).

Thus, the reference clearly teaches that the implementation of different root name

servers handling different linguistic domains can be determined wherein FDN is having

TLDA.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 115-119 and 125-129 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Tan et al. (hereinafter Tan)(US 6,314,469) in view of Seng et al.

(hereinafter Seng) (US 2001/0047429 A1).

Referring to claims 115- 119 and 125-129,

Keeping in mind the teachings of the reference Tan as stated above, the reference fails

to teach wherein said network resource is adapted to manage a virtual zero level

domain (VZLD), and wherein said VZLD is an internet infrastructure domain, and

wherein said internet infrastructure domain is managed from a ".arpa" top level domain, and wherein said VZLD is a primary virtual zero level domain (PVZLD), wherein said namespace provider is a naming authority to at least one secondary virtual zero level domain (SVZLD) and said network resource is adapted to redirect said domain name to said at least one SVZLD.   The reference Seng teaches "creation of a new branch or hierarchy of the domain name system.   That branch supports international domain names.   The branches are distinguished by a "zero-level" domain."(page 6, para. [0083]). (wherein said network resource is adapted to manage a virtual zero level domain (VZLD), and wherein said VZLD is an internet infrastructure domain, and wherein said VZLD is a primary virtual zero level domain (PVZLD). The reference also teaches "that subdomains could be created within the ".i" domain.(page 6, para.[0084]).(namespace provider is a naming authority to at least one secondary virtual zero level domain (SVZLD) and said network resource is adapted to redirect said domain name to said at least one SVZLD). The internet infrastructure (underneath the root) managed from top level domains such as .edu, .com, .mil, .gov, .net, .arpa, .int are well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to combine Tan with Seng to have the flexibility and various options locally available for resolving HLDs having TLDAs as different root name servers are provided to handle different linguistic domains as opposed to not having different root name servers , as taught by Tan, leading to a recursive searching through DNS servers that can be very time consuming and traffic intensive.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ashok B. Patel whose telephone number is (703) 305-

2655. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Abp
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